

The FCC recently submitted tips to help consumers if their broadband service was too slow but failed to take into account the following when drafting and releasing those tips. These tips should be kept in mind when implementing The National Broadband Plan. By the way since wireless mobile broadband is part of National Broadband Plan mobile broadband should be covered under Title II reclassification of broadband as a telecommunications service.

1) If your broadband service is slow, it's probably because your Internet service provider isn't delivering the speed that was advertised.

In the fact sheet, the FCC implies that speed problems are often the fault of the consumer, saying: "Several factors can slow down your Internet speed: an old and slow router, an old and slow computer, using the Web at peak times, using high-bandwidth applications or sites, or having several household members online at once. Start by seeing whether changing any of these factors improves your Web experience."

That seems like a poor answer to consumers' speed problems. Is the consumer supposed to purchase a new router or a new computer whenever the service feels slow? Or is the consumer not supposed to connect to the Internet at peak times, even though those times are "peak" because that's when consumers want to use it?

An Internet provider's network should meet the demands of the users. If the service isn't performing up to task, the consumer should talk to the service provider to identify the problem and demand answers. If the service provider does not fix the problem, or if its response is not satisfactory, consumers should reach out to the FCC — not rush out to buy new computers, or give up on using the service on weekday evenings or other high-traffic periods.

To its credit, the FCC generally acknowledges that consumers aren't getting the service that they are paying for. The FCC's sixth "tip" notes: "Studies show that many consumers experience much less than the advertised speed in actual use." But the FCC's "tips" seem to accept this as a given characteristic of broadband marketplace, even though the FCC's recent consumer survey sent a clear signal that consumers refuse to ever accept this deceitful practice. The FCC survey found that 67% of consumers believe they should receive an actual speed that matches the promised speed all the time, and another 24% believed they should mostly receive the promised speed. Together, 91% of all consumers believe they should receive promised speeds most or all of the time. The right solution to changing consumers' speed expectations is to change the carriers' false promises through better disclosure of actual, expected service speed — not to tell consumers that they should just expect the service to be slower than advertised.

2) You probably don't have a meaningful choice for acceptable service.

The FCC's second tip to consider speed price and service when choosing a provider -- is misleading. The FCC fails to mention that, according to the National Broadband Plan, 96% of consumers have at most two providers so, for most consumers, the choice is either the local cable company, or the local phone company, period. Furthermore, in the vast majority of the country, this isn't a choice between cable or fiber the phone company probably uses copper wire for DSL, generally offering a lower performance service as a result.

By suggesting in its tips that consumers consider lower-priced services, the FCC is seemingly dismissive of the growing number of consumers who have high-bandwidth needs. High-bandwidth needs aren't exclusive to gamers and constant downloaders. Growth in video streaming services, such as Hulu and Netflix, turns more and more everyday consumers into heavy users. Also, more and more small business owners conduct their business online, with much greater bandwidth needs. These consumers will need more than the cheapest tier of service offered by a provider, and many will have few acceptable options for service or service providers. According to the National Broadband Plan, under current projections, in the near-term future 3/4 of the country will have only one option for a service provider capable of offering the highest quality of broadband service.

3) Wireless broadband is not an acceptable substitute for fixed broadband service.

In its tips, the FCC asserts: While most Americans have a choice of two fixed broadband providers, most can also choose from five different wireless providers. This is where the FCC's advice really goes off the rails. Although consumers do have some more choices for wireless voice providers (subject to caveats, such as the exclusive contracts that prevent consumers from acquiring desirable handsets from multiple providers), the FCC's wireless competition report identified that consumers have many fewer choices for wireless broadband services.

Furthermore, the FCC's categorization of wireless broadband in this consumer fact sheet includes last-generation, slow services based on the early second generation wireless networking standard EVDO, which is now more than a decade old and which has a theoretical maximum download speed of only 2.4 Mbps, and a theoretical maximum upload speed of 153 kbps, with even slower speeds in practice. Even running at a theoretical maximum of 153 kilobits per second, a small 100 MB home movie file would take just under an hour and a half to upload, compared to 13 minutes on a 1 Mbps upload connection. A page of consumer tips about broadband service should not implicitly discuss options that can't meet the FCC's already low bar of 4 Mbps down, 1 Mbps up.

Our tips for broadband consumers? In short, don't expect good service or meaningful choices. Don't expect competition, and don't expect low prices. And if you don't like that, join us in our ongoing advocacy for a better, consumer-friendly broadband marketplace, with real competition,

leading towards universal availability and widespread adoption of high-quality broadband service at affordable prices.